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Applicant(s): Kostenuik et al.

Serial No.: 09/843,221

Group Art Unit No.: 1646

Filed: April 26, 2001

Examiner: E. Lazar Wesley

For: MODULATORS OF RECEPTORS FOR PARATHYROID HORMONE AND PARATHYROID HORMONE-RELATED PROTEIN

Docket No.: A-665B

RESPONSE TO RESTRICTION REQUIREMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated September 19, 2002 in which Claims 1-79 are subject to a restriction requirement.

REMARKS

The Examiner has required restriction to one of the following inventions pursuant to 35 U.S.C. 121:

- I. Claims 1-39, drawn to peptide compositions of matter, classified in class 530, subclass 350, for example.
- II. Claims 40-58, drawn to nucleic acids encoding a peptide composition of matters, vectors comprising same, and host cells comprising same, classified in class 536, subclass 23.1, for example.
- III. Claims 59-64, drawn to methods of preparing an antagonist, classified in class 530, subclass 402, for example.
- IV. Claims 65-74, drawn to methods of treating osteopenia comprising administering a composition of matter and a bone resorption inhibitor, classification dependent upon structure of inhibitor.
- V. Claims 75-79, drawn to methods of treating osteopenia comprising administering a composition of matter, classified in class 514, subclass 2, for example.

Applicants hereby elect the invention of Group I, Claims 1-39. Applicants acknowledge that the non-elected claims will be withdrawn from further consideration.

EXPRESS MAIL CERTIFICATE

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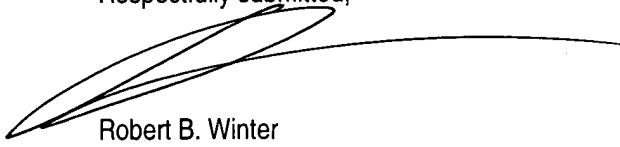
The Examiner alleges that the application contains claims to patentably distinct species such as amino acid sequences corresponding to F1, P1, and L1 recited in Claim 1, and has required an election of a single disclosed species (i.e., a single sequence) for prosecution on the merits. Applicants elect the amino acid sequence corresponding to SEQ ID NO:16. At least Claims 1-9, 14, 15, 20-22, 31 and 38 of Group I read on said elected species.

The Examiner also alleges that claims of Group IV which recite bone resorption inhibitors are directed to patentably distinct species and has required an election of a single disclosed species for prosecution on the merits. As Group IV is presently a non-elected invention, the species election is moot. Nonetheless, Applicants maintain that a search for all these inhibitors would not place an undue burden on the Examiner and that such a species election would not be necessary.

CONCLUSION

Claims 1-39 are in condition for allowance and an early notice thereof is solicited.

Respectfully submitted,


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Date: October 18, 2002

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